

REMARKS

Status of the Claims

- Claims 1-40 are pending in the Application after entry of this amendment.
- Claims 1-40 are rejected by the Examiner.
- Claims 1, 14, and 26 are amended by Applicant.

Claim Rejections Pursuant to 35 U.S.C. §103 (a)

Claims 1, 6, 14, 15, 26, 27, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020). Applicant respectfully traverse the rejection.

In a genuine effort to more clearly claim that which the Applicant regards as the invention, Applicant amends independent Claim 1 which addresses a server system including a high performance spinning-type hard drive and a power controlled spinning-type hard drive wherein the entire power controlled spinning-type hard drive is configured for lower power consumption, and wherein data to be stored is first evaluated by the server according to content policies before determining whether the data is to be stored in the high performance hard drive or in the power controlled hard drive. Applicant finds support for this amendment in the originally filed specification in paragraphs 0020-0021 for powering down an entire hard drive in a server configuration as shown in Figures 1, 3, 4, and 5. Applicant also finds support for the evaluation via policies in the flow diagram of Figure 2 supported by the description in paragraphs 0026-0032.

Antonio discloses a single variable mode multi-media data object storage device. When in the write mode, the disk spins at the faster rotation speed than in a read mode. (reference Antonio, paragraph 0020).

Applicant notes that Antonio teaches a single disk drive unit (102) as shown in Antonio, Figure 1. Applicant submits that this single disk is an exemplary embodiment of the variable mode multi-media data object storage device that operates at one speed for writing data and another speed for reading data (see paragraphs 0021-0023 and Figure 1).

Applicant notes that Antonio fails to teach a server as recited in Claim 1. Also, Antonio also fails to teach a server having a power controlled hard drive where the entire power controlled spinning-type hard drive is configured for lower power consumption as recited in Claim 1. Antonio teaches a disk drive that has a lower power consumption only in read mode. Thus, Antonio teaches away from the claimed invention because the invention of Claim 1 which indicates a lower power consumption for the entire hard drive and not just for one mode of the hard drive. Antonio only teaches one hard drive. Antonio also fails to teach a server having both a high performance spinning-type hard drive and a power controlled spinning-type hard drive as recited in Claim 1. Antonio also fails to teach a server which accesses content policies to evaluate incoming data before determining whether the information is stored in the high performance hard drive or in the power controlled hard drive as indicated in amended Claim 1.

Takahashi teaches a method of management of information on a disk that increases the speed of file management by constructing a data area and a management area on the disk so that they are both read at the same speed. (See Takahashi col. 7 line 31- col. 8 lines 28 and Figure 5). Applicant submits that Takahashi teaches the advantage of having a management data area physically close to a corresponding data area on a hard disk in order to be able to write data to those areas and read data from those areas at the same rotational rate of speed. Moreover, the read rate and the write rate are the same for the combination of management and data. Thus reads and writes to that hard disk area can be conducted at the same speed.

Applicant notes that Takahashi, like Antonio, fails to teach a server as recited in Claim 1. Also, Takahashi, like Antonio, also fails to teach a server having a power controlled hard drive where the entire power controlled spinning-type hard drive is configured for lower power consumption as recited in Claim 1. Takahashi, like Antonio, also fails to teach a server having both a high performance spinning-type hard drive and a power controlled spinning-type hard drive as recited in Claim 1. Takahashi, like Antonio, fails to teach a server which accesses content policies to evaluate data before determining whether the information is stored in the high performance hard drive or in the power controlled hard drive as indicated in amended Claim 1.

Applicant respectfully submits that the combination of Antonio and Takahashi noticeably fails to teach or even suggest a server which can evaluate incoming data to

determine, via a policy, which drive should be used to store the incoming information. These elements are completely missing from the teachings of both Antonio and Takahashi, considered either alone or in combination. Thus, for purposes of a 35 U.S.C. §103(a) rejection, the combination of Antonio and Takahashi fails to teach all of the elements of amended Claim 1. Accordingly, the combination of Antonio and Takahashi cannot render obvious amended independent Claim 1 under 35 U.S.C §103(a) because all of the elements of Claim 1 are not found in the cited references. Specifically, the combination of Antonio and Takahashi fails to teach a server system having a high performance spinning-type hard drive and a power controlled spinning-type hard drive wherein an entirety of the power controlled spinning-type hard drive is configured for lower power consumption, and where characteristics of data are determined by the server which accesses content policies to evaluate the data before determining whether the data is stored in the high performance hard drive or in the power controlled hard drive as recited in amended Claim 1.

Independent Claims 14 and 26 are amended to include similar elements. As a result, the combination of Antonio and Takahashi also cannot render obvious amended independent Claims 14 and 26 under 35 U.S.C §103(a) because all of the elements of these claims are not found in the cited references. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of independent Claims 1, 14, and 26 because these claims and their respective independent claims patentably define over the cited art.

Claims 2, 9, 21, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Douglas et al. (U.S. Patent No. 5,493,670).

Applicant respectfully submits that Claims 2, 9, 21, and 28 are dependent from independent Claims 1, 14, and 26 which patentably define over the cited art as discussed above. As such, Claims 2, 9, 21, and 28 are also non-obvious over the cited art.

Claims 3 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Jenny et al. (U.S. Patent Publ No. 2003/0065743).

Applicant respectfully submits that Claims 3 and 16 are dependent from independent Claims 1 and 14 which patentably define over the cited art as discussed above. As such, Claims 3 and 16 are also non-obvious over the cited art.

Claims 4, 10-13, 17, 22-25, and 29-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Gonos (U.S. Patent No. 6,901,418).

Applicant respectfully submits that Claims 4, 10-13, 17, 22-25, and 29-32 are dependent from independent Claims 1, 14, and 26 which patentably define over the cited art as discussed above. As such, Claims 4, 10-13, 17, 22-25, and 29-32 are also non-obvious over the cited art.

Claims 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Lu et al. (U.S. Patent No. 6,684,121).

Applicant respectfully submits that Claims 5 and 18 are dependent from independent Claims 1 and 14 which patentably define over the cited art as discussed above. As such, Claims 5 and 18 are also non-obvious over the cited art.

Claims 7, 8, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Malcolm et al. (U.S. Patent Publ No. 2002/0004917).

Applicant respectfully submits that Claims 7, 8, 19, and 20 are dependent from independent Claims 1 and 14 which patentably define over the cited art as discussed above. As such, Claims 7, 8, 19 and 20 are also non-obvious over the cited art.

Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Hudson et al. (U.S. Patent Publ No. 2002/0059440).

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Application No.: 10/823,918
Office Action Dated: November 17, 2006

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Applicant respectfully submits that Claim 34 is dependent from independent Claim 26 which patentably defines over the cited art as discussed above. As such, Claim 34 is also non-obvious over the cited art.

Claims 35-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Wang et al. (U.S. Patent No. 6,834,326).

Applicant respectfully submits that Claims 35-37 are dependent from independent Claim 1 which patentably defines over the cited art as discussed above. As such, Claims 35-37 are also non-obvious over the cited art.

Claims 38-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Antonio et al. (U.S. Publ No. US 2002/00957515) in view of Takahashi (U.S. Patent No. 5,878,020) and in further view of Yagawa (U.S. Patent Publ No. 2002/0015946).

Applicant respectfully submits that Claims 38-40 are dependent from independent Claim 1 which patentably defines over the cited art as discussed above. Claims 38-40 are also non-obvious over the cited art.

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Conclusion

Applicant respectfully requests reconsideration of all pending claims in light of the amendment and the arguments above. Applicant respectfully requests a Notice of Allowance for all pending claims as they patentably define over the cited art.

Respectfully submitted,

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